IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 29TH MARCH 2007 / 8TH CHAITHRA 1929

Bail Appl..No. 2030 of 2007()

ST.3476/2004 of J.M.F.C.-III,PALAKKAD
.....

: PETITIONER/ACCUSED

K.V.CHANDRASEKHARAN, S/O.VASU,
PROPRIETOR, CHANDINI HOTEL,
CHANDRANAGAR JUNCTION, CHANDRANAGAR POST,
PALAKKAD.

BY ADV. SRI.SAJAN VARGHEESE K.
SRI.LIJU. M.P
SRI.M.N.SAJEER

RESPONDENTS: NON-PARTY

STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM.

BY PP P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 29/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.RAMKUMAR, J.

Bail Application No. 2030/2007

Dated this 29th day of March, 2007

O R D E R

The petitioner, who is the accused in S.T.No.3476/2004 on the file of the J.F.C.M-III, Palakkad for an offence punishable under Section 138 of the Negotiable Instruments Act, 1881, seeks anticipatory bail.

2. The above case was taken up for trial and stood posted to 13.10.2006 for the cross-examination of PW1 and adjourned to 20.11.2006. The petitioner would have it that his counsel had mistakenly noted the posting date as 13.11.2006 instead of 20.11.2006 and consequently on 20.11.2006, there was no representation, whereupon the Court below has issued non bailable warrants of arrest against the petitioner.

3. The petitioner would submit that there was no willful latches or negligence on his part and non appearance on 20.11.2006 occurred due to the mistake committed by his counsel in wrongly noting the date of posting. Such being the position, I am inclined to permit the petitioner to seek regular bail from the J.F.C.M-III, Palakkad.

4. Accordingly, if the petitioner surrenders before that Court and files an application for regular bail within two weeks from today, the petitioner shall be released on bail on appropriate conditions, after recalling warrants of arrest pending against him. Conditions of bail shall include one ensuring his continued appearance in the case.

The application is disposed of as above.

V.RAMKUMAR,
JUDGE

mrcs